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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,812	11/10/2003	Satoshi Mizutani	20050/0200485-US0	5410
7278	7590	10/18/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			CRAIG, PAULA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,812

Applicant(s)

MIZUTANI ET AL.

Examiner

Paula L. Craig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/28/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received..

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/13/06
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The objections to the drawings, the specification and to Claim 5 are withdrawn. The rejections of Claims 2 and 10 are withdrawn as moot. Applicant's arguments with respect to Claims 1, 3-9, and 11-18 have been considered but are moot in view of the new grounds of rejection.

Claim Objections

2. Claim 9 is objected to because of the following informalities: In Claim 9, lines 2-3, "body side" should be "labia side". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3-5, 8-9, 12-13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasgow (U.S. Patent Application Publication No. 2002/0143309) in view of Wierlacher (WO 99/01093).

5. For Claim 1, Glasgow teaches an interlabial pad having a pair of absorbing sheet bodies for absorbing body fluid, each of the absorbing sheet bodies being unbonded at right and left side edges in respect of a longitudinal direction while bonded at both front and back ends in the longitudinal direction (first and second absorbent members 20 and

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30, Figs. 1-16, and paragraphs 26 and 34). Glasgow teaches the pair of absorbing sheet bodies including a main sheet body including a first permeable surface side sheet facing the labia side (topsheet 21, Fig. 3 and paragraphs 30 and 32). Glasgow teaches a first back side sheet having permeable or impermeable characteristics facing an opposite side to the labia side (back sheet 22, Fig. 3 and paragraph 30). A first absorber absorbs body fluid, with the first permeable side sheet and the first back side sheet bonded to each other to enclose the first absorber (absorbent means 23, Fig. 3 and paragraphs 30, 33, and 34). Glasgow teaches a sub-sheet body having a second permeable surface side sheet facing the labia side, and a second back side sheet having impermeable characteristics facing a garment side (topsheet 31 and barrier sheet 32, Figs. 3 and 6 and paragraphs 30, 40, and 42). A second absorber absorbs body fluid, with the second permeable surface side sheet and the second back side sheet bonded each other to enclose the second absorber (absorbent element 33, Figs. 3 and 6, paragraphs 30, 40, and 42). Glasgow does not teach a mini sheet piece. However, mini sheet pieces are well known in the art. Wierlacher confirms this and teaches an absorbent article having a back side sheet, and a mini sheet piece which is fixed at the right and left side edges of the back side sheet, to form a finger insertion opening between the back side sheet and the mini sheet piece on the garment side (Figs. 1-9 and page 19). Wierlacher teaches that the mini sheet piece allows the user to hold the pad in an open hand without exerting any force, so that application to the body can be performed with a single movement (page 20, lines 1-20). The mini sheet piece of Wierlacher is attached in the same location relative to the back side sheet as the

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unbonded area of the main sheet body and the sub-sheet body of Glasgow. It would have been obvious to one of ordinary skill in the art to modify Glasgow to include a mini sheet piece for forming a finger insertion opening, as taught by Wierlacher, to allow the user to hold the pad in an open hand without exerting any force so that application to the body can be performed with a single movement, as taught by Wierlacher.

6. For Claim 3, Glasgow teaches the unbonded areas of the main sheet body and the sub-sheet body in the right and left side edges being line-symmetrical with respect to a center line in the longitudinal direction of the interlabial pad (Figs. 1-16).

7. For Claim 4, Glasgow teaches the unbonded areas in each of the right and left side edges in respect of the longitudinal direction of the interlabial pad, are formed in a range of $\frac{2}{5}$ to $\frac{4}{5}$ of a whole portion of each side edge (Figs. 1-16 and paragraphs 28 and 51).

8. For Claim 5, Glasgow teaches the width of the main sheet body in the lateral direction being equal to that of the sub-sheet body in the lateral direction or shorter than that of the sub-sheet body in the lateral direction (Figs. 1-16 and paragraph 31).

9. For Claim 8, Glasgow shows a line in the center of the lateral directions (Figs. 11 and 13). Glasgow does not expressly teach the first absorber inside the main sheet body having a line for inducing bending. However, a line for inducing bending is well known in the art. Wierlacher confirms this and teaches an absorbent article having an absorber with a line for inducing bending (Figs. 1-9). Wierlacher teaches that this structure helps the pad conform to the wearer's anatomy (page 20). It would have been obvious to one of ordinary skill in the art to modify Glasgow to include the absorber

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having a line for inducing bending, as taught by Wierlacher, to conform to the wearer's anatomy.

10. For Claim 9, Glasgow does not teach the sub-sheet body including a protruded area which is protruded towards the body side. Wierlacher teaches the sub-sheet body including a protruded area, which is protruded towards the body side (Figs. 1-9).

Wierlacher teaches that this configuration helps the pad conform to the wearer's anatomy (page 20). It would have been obvious to one of ordinary skill in the art to modify Glasgow to include the sub-sheet body including a protruded area which is protruded towards the body side, as taught by Wierlacher, to conform to the wearer's anatomy.

11. For Claim 12, Glasgow teaches the interlabial pad being a pad for an incontinence of urine (paragraph 24).

12. For Claim 13, Glasgow teaches the interlabial pad being a pad for absorbing vaginal discharge (paragraph 24).

13. For Claim 18, Glasgow teaches the right and left side edges of the main sheet body and the sub-sheet body being bonded in a bonding area in a range from the front end to $\frac{2}{5}$ and in a bonding area in a range from the back end to $\frac{1}{5}$ and the other area forms the unbonded area (bonding area is union means 15 and 15', unbonded area is unattached center portion or region 13, 18, and 39, Figs. 2, 5, and 8, and paragraphs 27-28 and 51).

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14. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasgow in view of Wierlacher and further in view of Osborn III '906 (U.S. Patent No. 5,007,906).

15. For Claim 6, Glasgow/Wierlacher teach all the limitations of Claim 1, as described above in paragraph 5. Glasgow teaches the main sheet body being conformable and relatively thin and flexible (paragraphs 34 and 36). Glasgow does not expressly teach the stiffness of the main sheet body in the lateral direction being smaller than that of the sub-sheet body. However, it is well known in the art of absorbent articles for the part of a pad closer to the body to be more flexible. Osborn confirms this and teaches an interlabial pad (Figs. 1-5, col. 2, lines 13-15 and col. 11, lines 15-20). The interlabial pad has a pair of absorbing sheet bodies for absorbing body fluid (Figs. 1-5 and col. 7, line 37 to col. 8, line 59). Osborn teaches the stiffness of the main sheet body being smaller than that of the sub-sheet body (col. 5, line 67 to col. 6, line 11). Osborn teaches that this allows for the main sheet body to conform to the body of the wearer (col. 6, lines 8-11). It would have been obvious to one of ordinary skill in the art at the time of the invention by the Applicant to modify the pad of Glasgow to include the stiffness of the main sheet body being smaller than that of the sub-sheet body, as taught by Osborn, to allow for the main sheet body to conform to the body of the wearer.

16. For Claim 7, Glasgow does not expressly teach the stiffness of the main sheet body in the lateral direction being not more than 1.5 mN. Stiffness is a result effective variable, since a more flexible sheet body will conform better to the contours of the wearer. The discovery of an optimum value of a result effective variable is ordinarily

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within the ordinary skill in the art. See *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

17. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glasgow in view of Wierlacher and further in view of Clark (U.S. Patent No. 5,910,137).

18. For Claim 11, Glasgow/Wierlacher teaches all the limitations of Claim 1, as described above in paragraph 5. Glasgow does not teach the interlabial pad being used together with a sanitary napkin. However, it is known in the art to use pads in combination. Clark teaches layering a series of absorbent pads on top of one another (Figs. 1-10 and col. 4, lines 22-32). Clark teaches that the layered pads may be of any geometry used in the feminine hygiene field (col. 4, lines 47-50). Clark teaches that layering the pads allows for removal of pads one by one as they become soiled (col. 12, lines 40-48). It would have been obvious to one of ordinary skill in the art to modify Glasgow to include a sanitary napkin, as taught by Clark, to allow for removal of pads as they become soiled, as taught by Clark.

19. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasgow in view of Wierlacher and further in view of Farris (U.S. Patent No. 6,131,736).

20. For Claim 14, Glasgow/Wierlacher teach all the limitations of Claim 1, as described above in paragraph 5. Glasgow does not teach a wrapping container for individually wrapping the interlabial pad, with the interlabial pad enclosed in the

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wrapping container. However, individual wrapping containers for interlabial pads are well known in the art. Farris confirms this and teaches an individual wrapping container for an interlabial pad (Figs. 1-7 and col. 1, lines 5-8). Farris teaches that the container allows for ready retrieval of the interlabial pad and allows for use of the pad without touching the pad itself (col. 3, line 66 to col. 4, line 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glasgow to include an individual wrapping container, as taught by Farris, to permit ready retrieval of the pad and use of the pad without touching the pad itself, as taught by Farris.

21. For Claim 15, Glasgow does not teach a wrapping container. However, wrapping containers for interlabial pads are well known in the art. Farris teaches a wrapping container for individually wrapping the interlabial pad (Figs. 1-7 and col. 1, lines 5-8). Farris teaches a mini sheet piece for handling the pad using the wearer's fingers (grasping portion 28, Figs. 1-7 and col. 7, lines 38-54). The interlabial pad is enclosed in the wrapping container such that the mini sheet piece is toward the wearer when opening the wrapping container (Figs. 1-7 and col. 7, lines 38-54). Wierlacher teaches the mini sheet piece having a finger insertion opening, as described above for Claim 1 in paragraph 5. It would have been obvious to one of ordinary skill in the art to modify Glasgow/Wierlacher to include a wrapping container, and the interlabial pad being enclosed in the wrapping container such that the mini sheet piece is toward the wearer when opening the wrapping container, as taught by Farris.

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22. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glasgow in view of U.S. Patent Application Publication No. 2002/0013566 to Chappell et al.

23. For Claim 1, Glasgow teaches an interlabial pad having a pair of absorbing sheet bodies with a main sheet body, a first absorber, a sub-sheet body, and a second absorber, as described above for Claim 1 in paragraph 5. Glasgow does not teach a mini sheet piece. Chappell teaches an absorbent article having a back side sheet, and a mini sheet piece which is fixed at the right and left side edges of the back side sheet, to form a finger insertion opening between the back side sheet and the mini sheet piece on the garment side (mini sheet piece is pocket device 20, Figs. 2-4 and paragraphs 20, 32, and 34). The mini sheet piece of Chappell is attached in the same location relative to the back side sheet as the unbonded area of the main sheet body and the sub-sheet body of Glasgow. Chappell teaches that the mini sheet piece facilitates removal of the absorbent article while protecting the wearer's hand from soiling, and allowing for disposal of the pad after use (paragraphs 7-8 and 32). It would have been obvious to one of ordinary skill in the art to modify Glasgow to include a mini sheet piece, as taught by Chappell, to facilitate removal of the absorbent article while protecting the wearer's hand from soiling, and allow for disposal of the pad after use, as taught by Chappell.

24. For Claim 17, Glasgow does not teach a mini sheet piece or a finger insertion opening. Chappell teaches the mini sheet piece being formed in a range of 10% to 80% in the longitudinal direction of the interlabial pad (Figs. 2-4). Chappell teaches that this arrangement of the mini sheet piece facilitates removal of the absorbent article while

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protecting the wearer's hand from soiling, and allows for disposal of the pad after use (paragraphs 7-8 and 32). Chappell teaches a finger insertion opening (paragraphs 7, 32, and 34). Chappell teaches the finger insertion opening having a girth appropriate to accommodate one or more fingers; the opening may be elastomeric (paragraphs 7, 32, and 34). The girth of the finger insertion opening is a result effective variable, since it affects how tightly the mini sheet piece fits around a finger. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980). It would have been obvious to one of ordinary skill in the art to modify Glasgow to include a mini sheet piece formed in a range of 10% to 80% in the longitudinal direction of the interlabial pad, and the whole girth inside the finger insertion opening having a suitable range, as taught by Chappell.

25. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glasgow in view of Chappell and further in view of Farris.

26. For Claim 16, Glasgow/Chappell teach all the limitations of Claim 17, as described above in paragraph 24. Glasgow does not teach a wrapping container for individually wrapping the interlabial pad, with the interlabial pad enclosed in the wrapping container. However, individual wrapping containers for interlabial pads are well known in the art. Farris confirms this and teaches an individual wrapping container for an interlabial pad (Figs. 1-7 and col. 1, lines 5-8). Farris teaches that the container allows for ready retrieval of the interlabial pad and allows for use of the pad without

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touching the pad itself (col. 3, line 66 to col. 4, line 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Glasgow to include an individual wrapping container, as taught by Farris, to permit ready retrieval of the pad and use of the pad without touching the pad itself, as taught by Farris.

Conclusion

27. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571)272-5964. The examiner can normally be reached on 6:30AM-3:00PM M-F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paula L Craig
Examiner
Art Unit 3761

PLC


JACQUELINE STEPHENS
PRIMARY EXAMINER